

ARTICLE XVIII-A AREA-WIDE REZONING (MAP AMENDMENTS)

Section 1801-A Purpose and Intent

The purpose of this Article is to permit the re-zoning of established neighborhoods to more accurately reflect existing land use patterns in the area and to preserve the distinctive physical character of the neighborhood. This Article is also intended to provide a mechanism by which established neighborhoods may amend zoning regulations to improve the area's quality of life, strengthen the tax base, and insure adequate infrastructure, transportation and public facilities.

Section 1802-A Procedure

- (a) A neighborhood rezoning may be initiated by:
 - (1) The owners of at least seventy-five (75) percent of the property described in the application; or
 - (2) A two-thirds (2/3) vote of the City Council; or
 - (3) A two-thirds (2/3) vote of the Planning Board.
- (b) This section shall only be applicable when at least fifty (50) contiguous parcels or at least fifteen (15) acres of contiguous land (excluding rights of way) are the subject of the re-zoning application.
- (c) Any proposed rezoning under this section shall be studied by the Planning Department to determine:
 - (1) The need for additional land in the City having the same classification as that requested; and
 - (2) A substantial change of the land use character of the surrounding area that justifies the change in zoning.
- (d) Additionally, the Planning Department may report findings concerning the following:
 - (1) The effect of the change on the particular property and on surrounding properties;
 - (2) The impact, if any, on the existing infrastructure, transportation, tax base, and surrounding land uses;
 - (3) The relationship of the proposed amendment to the City's Comprehensive Plan and other relevant local and regional plans, with appropriate consideration as to whether the proposed changes will further the purpose of this section and related plans; and
 - (4) Any other relevant considerations regarding re-zoning of the subject parcels.
- (e) The Planning Department shall submit the re-zoning request to the Planning Board for consideration along with a staff report stating the Staff's findings under subsections (c) and (d) above.
- (f) The Planning Board shall hold a public hearing on the re-zoning request. Public notice of the hearing shall be given at least fifteen (15) days in advance of the hearing by publication in a newspaper of regular and general circulation in the City, and a notice shall be posted at City Hall. The Planning Board shall forward their recommendations in writing to the City Council for final consideration. The City Council shall hold a public

hearing following adequate public notice within sixty (60) days of the Planning Board's recommendations.

- (g) When the City proposes to rezone any property within its jurisdiction, it shall be the duty of the City to give notice by first class mail to each property owner whose zoning classification is proposed to be changed or affected. Such notice shall be mailed to the owner's current address of record, as maintained by the assessor of taxes and shall be postmarked no later than ten (10) days prior to the first scheduled hearing concerning the proposed change. The notice shall contain a description and map of the affected property, showing the existing and the proposed zoning, and the time and place of any scheduled hearing concerning the proposed rezoning. Prior to the effective date of any area-wide rezoning, the City shall cause an affidavit to be filed with the City Clerk certifying that the City has complied with this section. The filing of the affidavit shall be prima facie proof of compliance with this section. A failure to give notice shall not affect the validity of rezoning, except as to the property of the complaining owner. Notice shall not be invalid or ineffective if sent according to the ownership records of the Tax Assessor, regardless of the accuracy of the tax records. It is the owner's responsibility to insure the accuracy of tax records pertaining to his property.